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RICK D. NYDEGGER
WORKMAN NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84145

EXAMINER	
MOORE, IAN N	
ART UNIT	**PAPER NUMBER**
2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/771,120	JOHANSSON, STEFAN	
	Examiner	Art Unit	
	Ian N. Moore	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22 and 24-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22 and 24-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9-21-04;6-19-06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. It is noted that the Applicant is claiming the benefits of an earlier U.S. application **(Serial no. 09/684,057),** filed on 10/06/2000; however, the subject matter described and claimed in the instant C.I.P. application were not presented in the prior U.S. application (09/684,057), filed on 10/06/2000. In other word, the disclosure of the prior-filed application, Application No. 09/684,057, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

In view of this, the benefit of the current filing date of 01/26/2001 will be given to the subject matter described and claimed in this instant C.I.P. application, which was not included in the prior U.S. application (09/684,057).

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on 10/08/1999. It is noted, however, that applicant has not filed a certified copy of the **Sweden 9903637-8** application, in this instant CIP application or its parent application (09/684,057) as required by 35 U.S.C. 119(b).

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in European Patent Office on 1/17/2001. It is noted, however, that applicant has not filed a certified copy of the **EPO 01850013.2** application, in this instant CIP application or its parent application (09/684,057) as required by 35 U.S.C. 119(b).

Claim Objections

4. Claim 12 and 13 are objected to because of the following informalities:

Claim 12 recites, "**facilitating**" in line 5. For clarity, it is suggested to revise "facilitating" as "transmission", or equivalent thereof.

Claim 13 recites "**the** wireless mobile communication **system**" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-10,12-22, and 24-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter on the basis of the claim invention lacks substantial practical application of a § 101 judicial exception.

Claim 1 recites, "A method at a wireless mobile communication station ... comprising the acts of:

receiving...; **acquiring**...; and **establishing** ...

(Evidence 1) Claim 11 recites, "A computer readable storing computer executable components for causing a wireless communication station to perform the method recited in claim 1 when the computer-executable components are run on a microprocessor included by a wireless communication station.

(Evidence 2) The specification recites, "*according to the present invention, said object is achieved by methods, a computer-readable medium, a wireless communication station...having features as defined in the appended claims*" (see page 7, paragraph 15); and "*The microprocessor 21 executes appropriate computer-executable components stored in the main memory 22, thus controlling the elements and the overall wireless communication station...to function in accordance with the method of the invention...these computer executable components are stored on pre-recorded disk...to control the overall wireless communication station 20 to function in accordance with the method of the invention*" (see page 15, paragraph 37).

Claim 1 recites a method processing series of computer software steps of inside a wireless mobile communication station without any substantial practical application since the method is just a list of computer instructions (as one can evident from Evidence 1 and 2). Both evidences 1-2 clearly recite that the method is just a list of computer software instructions, which are not actually being performed. In addition, the method of receiving, determining and establishing is merely a transformation of one format to the other, and produces no concrete or tangible result.

For claims including such excluded subject matter to be eligible, the claim must be for a practical application of the abstract idea, law of nature, or natural phenomenon. Diehr, 450 U.S. at 187, 209.USPQ at 8 ("application of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection."); Benson, 409 U.S. at 71, 175 USPQ at 676 (rejecting claim because it "has no substantial practical application"). To satisfy section 101 requirements, the claim must be for a practical application of the § 101 judicial exception, which can be identified in various ways:

- The claimed invention "transforms" an article or physical object to a different state or thing.

- The claimed invention otherwise produces a useful, concrete and tangible result, based on the factors discussed below.

The claim provides a transformation or reduction of an article to a different state or thing.

Practical Application That Produces a Useful, Concrete, and Tangible Result

For eligibility analysis, physical transformation "is not an invariable requirement, but merely one example of how a mathematical algorithm [or law of nature] may bring about a useful application." AT&T, 172 F.3d at 1358-59, 50 USPQ2d at 1452.

Moreover, claim does not provide a practical application that produces a useful, tangible and concrete result. In determining whether the claim is for a "practical application," the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is "useful, tangible and concrete." The claim does not directed to a practical application of the § 101 judicial exception producing a result tied to the physical world that preempts the judicial exception, and thus the claim is nonstatutory.

Regarding "useful", an invention to be "useful" it must satisfy the utility requirement of section 101. The USPTO's official interpretation of the utility requirement provides that the utility of an invention has to be (i) specific, (ii) substantial and (iii) credible. MPEP § 2107 and Fisher, 421 F.3d at ___, 76 USPQ2d at 1230 (citing the Utility Guidelines with approval for interpretation of "specific" and "substantial").

Regarding "tangible", the tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or

materials to a different state or thing. However, the tangible requirement does require that the claim must recite more than a § 101 judicial exception, in that the process claim must set forth a practical application of that § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had "no substantial practical application."). "[A]n application of a law of nature or mathematical formula to a ... process may well be deserving of patent protection." Diehr, 450 U.S. at 187, 209 USPQ at 8 (emphasis added); see also Corning, 56 U.S. (15 How.) at 268, 14 L.Ed. 683 ("It is for the discovery or invention of some practical method or means of producing a beneficial result or effect, that a patent is granted . . ."). In other words, the opposite meaning of "tangible" is "abstract."

Regarding "concrete", another consideration is whether the invention produces a "concrete" result. Usually, this question arises when a result cannot be assured. In other words, the process must have a result that can be substantially repeatable or the process must substantially produce the same result again. In re Swartz, 232 F.3d 862, 864, 56 USPQ2d 1703, 1704 (Fed. Cir. 2000) (where asserted result produced by the claimed invention is "irreproducible" claim should be rejected under section 101).

Therefore, it is clear that the claimed invention lacks substantial practical application of § 101 judicial exception.

Claims 13 and **22** are also rejected since they also recite the computer instructions method steps of the transmitting steps. Per evidence 1-2 above, receiving steps are computer listing of instructions. As one skilled in the art would clearly see that if receiving steps are the computer listing of instructions, then transmitting steps of claims 13 and 22 are also computer

listing of instructions. Thus, claims 13 and22 are also rejected for the same reasons as recited above in claim 1.

Claim 10 recites, "A method at a wireless mobile communication station ... comprising the acts of:

transmitting...; **transmitting**...; **determining...; establishing** ...

(Evidence 1) Claim 26 recites, "A computer readable storing computer executable components for causing a wireless communication station to perform the method recited in claim 10 when the computer-executable components are run on a microprocessor included by a wireless communication station.

(Evidence 2) The specification recites, "*according to the present invention, said object is achieved by methods, a computer-readable medium, a wireless communication station...having features as defined in the appended claims*" (see page 7, paragraph 15); and "*The microprocessor 21 executes appropriate computer-executable components stored in the main memory 22, thus controlling the elements and the overall wireless communication station...to function in accordance with the method of the invention...these computer executable components are stored on pre-recorded disk...to control the overall wireless communication station 20 to function in accordance with the method of the invention*" (see page 15, paragraph 37).

Claim 10 recites a method processing series of computer software steps of inside a wireless mobile communication station without any substantial practical application since the method is just a list of computer instructions (as one can evident from Evidence 1 and 2). Both evidences 1-2 clearly recite that the method is just a list of computer software instructions, which are not actually being performed. In addition, the method of receiving, determining and

establishing is merely a transformation of one format to the other, and produces no concrete or tangible result.

Claims 2-9,12,14-21, and 24-25 are also rejected since they are depended upon rejected base claims as set forth above.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1,2,4-7,11-14,16-19, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Andersson (US006047194A).

Regarding Claim 1, Andersson discloses a method at a wireless communication station (see FIG. 1, Mobile terminal 14) for enabling the wireless mobile communication station to selectively permit desired packet data to be pushed from an originator of packet data (see FIG. 1, from Internet Host 12) to the wireless mobile communication station, the station being operatively associated with a wireless communication network providing packet data transferring services (see col. 3, line 40-47; packet switching network), the method comprising the acts of:

receiving at the wireless mobile communication station a network address of an originator of packet data that is attempting to push the packet data to the mobile communication station (see FIG. 2, 114; see FIG. 4, step 168; see col. 5, line 65 to col. 6, line 7; see col. 7, line

40-65; see col. 8, line 45-56; see col. 10, line 57-57; mobile terminal receives an SMS message with in identifier (i.e. Origination Address (OA) according to GSM's SMS standard) of the origination source/host that is trying to send packet data),

wherein the network address of the originator is received in a message (see FIG. 1, a SMS message with OA is received at mobile terminal)) from a message service (see FIG. 1, Short Message Service-Center (SMS-C) 56 issues an SMS message, (see dash line from SMS-C 56 to mobile 14 in FIG. 1); see col. 7, line 16-64; also see FIG. 4, step 168; see col. 8, line 50-60) in response to the originator submitting a request to the message service (see FIG. 1, according to a information/request message from Internet Host 12 is sent to SMS-C 56) that a message be transmitted to the wireless mobile communication station (see col. 7, line 16-54; to transmit a SMS message with OA to mobile terminal to receive mobile's permission; (see dash line from Internet host 12 to SMS-C 56 in FIG. 1); also see FIG. 4, step 164,166; see col. 8, line 45-60);

acquiring at the wireless mobile communication station an identity corresponding to the received network address (see FIG. 4, step 172; see col. 6, line 4-10; see col. 7, line 60 to col. 8, line 2, 59-65; see col. 9, line 32-35; see col. 10, line 50-56; detecting/acquiring an identity of the origination source associating with received identifier/OA);

determining at the wireless mobile communication station, based upon the identity, whether or not packet data reception from said originator is desired (see FIG. 4, step 174; see col. 6, line 5-14; see col. 8, line 3-14, 59-65; see col. 9, line 35-40; select whether to permit transmission of packet data responsive to the identity of origination source);

and establishing at the wireless mobile station, only after it is determined that the packet data reception from said originator is desired, a packet data session with said originator (see FIG.

4, step 176; see col. 6, line 10-14; see col. 8, line 10 to col. 9, line 5, 40-44; after permitting/accepting packet transmission from origination source, a end-to-end permitted packet session/connection is established), the packet data session being established by the wireless session with said originator (see FIG. 4, step 174-178; see col. 6, line 10-14; see col. 8, line 50 to col. 9, line 5, 40-44; an end-to-end permitted packet session/connection is established between a mobile terminal and an origination source), enabling said originator to thereafter trigger transmission of the desired packet data by the originator for receipt by the wireless mobile station (see FIG. 4, step 174-176, see col. 8, line 50 to col. 9, line 5, 40-44; packet data is triggered/activated to transmit by the origination source to the mobile station on the permitted-established session/connection),

thereby enabling the wireless mobile communication station to selectively permit desired packet data to be pushed from said originator to the wireless communication station (see col. 8, line 10-14, 60-67; col. 8, line 65 to col. 9, line 6; thereby providing the mobile terminal to select desired origination source to receive the packet data).

Regarding Claim 13, Andersson discloses a method at a wireless communication station (see FIG. 1, Mobile terminal 14) for enabling the wireless mobile communication station to selectively permit desired packet data to be pushed from an originator of packet data (see FIG. 1, from Internet Host 12) to the wireless mobile communication station, the station being operatively associated with a wireless communication network providing packet data transferring services (see col. 3, line 40-47; packet switching network), the method comprising the acts of:

transmitting, to a message service provided by the wireless communication network, (s see FIG. 1, sending to Short Message Service-Center (SMS-C) 56) from an originator (see FIG.

1, Internet host 12) that is attempting to push the packet data that is attempting to push the packet data to the mobile communication station, (see col. 7, line 16-54; from the Internet host 12 that is trying/attempting to push/send the packet data to the mobile terminal), original's own network address (see col. 7, line 45-53; source IP address) and a request to transmit a message that includes said network address to the wireless communication station (see FIG. 2, 114; see FIG. 4, step 168; see col. 5, line 65 to col. 6, line 7; see col. 7, line 16-65; see col. 8, line 45-56; see col. 10, line 57-57, a information/request message to transmit an SMS message with in identifier (i.e. Origination/source Address (OA) according to GSM's SMS standard) of the origination source/host to the mobile terminal; also see dash line from Internet host 12 to SMS-C 56 in FIG. 1); also see FIG. 4, step 164,166; see col. 8, line 45-60);

transmitting, to the wireless communication station, from the message service, a message that includes said network address (see FIG. 1, transmitting to mobile terminal 14 from SMS-C 56 an SMS message with OA, (see dash line from SMS-C 56 to mobile 14 in FIG. 1); see col. 7, line 55-64; also see FIG. 4, step 168; see col. 8, line 50-60);

acquiring at the wireless mobile communication station an identity corresponding to the received network address (see FIG. 4, step 172; see col. 6, line 4-10; see col. 7, line 60 to col. 8, line 2, 59-65; see col. 9, line 32-35; see col. 10, line 50-56; detecting/acquiring an identity of the origination source associating with received identifier/OA);

determining at the wireless mobile communication station, based upon the identity, whether or not packet data reception from said originator is desired (see FIG. 4, step 174; see col. 6, line 5-14; see col. 8, line 3-14, 59-65; see col. 9, line 35-40; select whether to permit transmission of packet data responsive to the identity of origination source);

and establishing from the wireless mobile station, only after it is determined that the packet data reception from said originator is desired, a packet data session with said originator (see FIG. 4, step 176; see col. 6, line 10-14; see col. 8, line 10 to col. 9, line 5, 40-44; after mobile terminal permitting/accepting packet transmission from origination source, end-to-end packet session/connection is established/connected); and

after the wireless mobile communication system establishes the packet data session with said originator, said originator transmitting the desired packet data (see FIG. 4, step 174-178; see col. 6, line 10-14; see col. 8, line 50 to col. 9, line 5, 40-44; after mobile station establishes an end-to-end permitted packet session/connection with an origination source, packet data is transmit by the origination source to the mobile station on the permitted-established session/connection), thereby enabling the wireless mobile communication station to selectively permit desired packet data to be pushed from said originator to the wireless communication station (see col. 8, line 10-14, 60-67; col. 8, line 65 to col. 9, line 6; thereby providing the mobile terminal to select desired origination source to receive the packet data).

Regarding Claim 2 and 14, Andersson discloses displaying said identity on displaying means (see FIG. 3, Display 144) associated with the wireless communication station (see col. 8, line 32-35); and

accepting, from a user of the wireless station, either a confirmation or a rejection regarding reception of packet data from said originator having the displayed identity (see col. 8, line 44; user of mobile terminal performs the selection to grant).

Regarding Claim 4 and 16, Andersson discloses wherein said network address of said receiving act is received in a short message (see col. 6, line 1-10; SMS), the short message being

received from a short message service provided by said wireless communication network (see FIG. 1, Short Message service-center, SMS-C 56; see col. 5, line 60 to col. 6, line 10).

Regarding Claim 5 and 17, Andersson discloses establishing a packet data session using said identity (see col. 5, line 65 to col. 6, line 14; see col. 7, line 40-65; see col. 8, line 10-14,45-67; see col. 9, line 40-44; see col. 10, line 57-57).

Regarding Claim 6 and 18, Andersson discloses wherein said network address is an Internet Protocol address (see col. 7, line 40-35; IP address).

Regarding Claim 7 and 19, Andersson discloses establishing a packet data session using said identity (see FIG. 4, step 176; see col. 6, line 10-14; see col. 8, line 10-14, 60-67; see col. 9, line 40-44; establishing packet transmission using identify of origination source).

Regarding Claim 11, Andersson discloses a computer-readable medium storing computer-executable components for causing a wireless communication station to perform the acts recited in claim 1 when the computer-executable components are run on microprocessor included by a wireless communication station (see FIG. 3, mobile terminal 14 contains processor and memory; see col. 8, line 14-32).

Regarding Claim 12 and 23, Andersson discloses a wireless communication station (see FIG. 3, mobile terminal 14) arranged to be operatively associated with a wireless communication network (see FIG. 1, mobile network) providing packet data transferring services, wherein the wireless communication station includes processing means (see FIG. 3, mobile terminal 14 contains processor), memory means (see FIG. 3, mobile terminal 14 contains memory), interface circuitry means (see FIG. 3, Rx circuitry 142 with radio antenna interface) and user interface means (see FIG. 3, Display 144 and selector 146) for performing the acts recited in claim 1 (see

col. 8, line 14-32), thereby facilitating desired packet data to be pushed from an originator to the wireless communication station (see col. 15, line 16-42; thereby providing the subscriber to select desired/preferred packet data system provider to receive the packet data).

Regarding Claim 24, Andersson discloses wherein the originator (see FIG. 1, Internet host 12) communicates with the message service (see FIG. 1, SMS-C 56) over a packet data network (see FIG. 1, Internet backbone 22); see col. 5, line 6-15.

Regarding Claim 25, Andersson discloses wherein said originator (see FIG. 1, Internet host 12) transmits its own network address (see col. 7, line 45-50; sending source IP address, or host-name) over a first communication path to said message service (see FIG. 1, FIG. 2, step 102, sending to SMS-C 56 on a path of GPMSC 46,VPMSC 44, and SMS-C 56; see col. 7, line 45-54), and wherein said originator transmits the desired packet data over a second communication path to the wireless mobile communication station (see FIG. 1, FIG. 2, step 128; sending the packet data to a mobile terminal on another path of GPMSC 46,VPMSC 44, and BS 32; see col. 8, line 3-14,63-67), and such that said second communication path bypasses said message service (see FIG. 1, another path of GPMSC 46,VPMSC 44 and BS 32 avoid/go-around/bypass SMS-C 56; see col. 8, line 3-14,63-67).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson in view of Wang (US006614774B1).

Regarding Claim 3 and 15, Andersson discloses establishing a packet data session as set forth above in claim 1 and 13. Andersson does not explicitly disclose an address translation server; and requesting translation of the network address to the corresponding identity. However, Wang teaches establishing a packet data session (see FIG. 4, reverse DNS request/lookup) with an address translation server (see FIG. 4, DNS server 118); and

requesting translation of the network address (see FIG. 4, IP address) to the corresponding identity (see FIG. 4, host name; see col. 8, line 32-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide DNS server and reverse DNS lookups, as taught by Wang in the system of Andersson, so that it would avoid DNS lookup failures and does not introduce delays and cost effective system; see Wang col. 5, line 50-60.

11. Claims 8,9, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson in view of Brothers (US006822955B1).

Regarding Claim 8,9,20 and 21, Andersson discloses said identity is the originator name as set forth above claims 1 and 13, and a network server (see FIG. 1, SMS-C, VPMSC 44, or GPMSC 46). Andersson does not explicitly disclose wherein said identity is an Internet domain host name of a network server. However, Brothers teaches wherein said identity is an Internet domain host name of a network server (see FIG. 13, a server Internet domain host name, "Disney.com"). Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to provide an Internet domain host name as an identify, as taught by Brothers in the system of Andersson, so that it would provide full transparent IP mobility services for clients; see Brothers col. 1, line 60 to col. 2, line 5.

Response to Arguments

12. Applicant's arguments filed 1-22-2007 have been fully considered but they are not persuasive.

Regarding claims 1-9,11-21,23-25, the applicant argued that, "...Andersson fails to teach or suggest...a wireless communication station which establishes a packet data session with an originator which enables the originator to thereafter transmit the desired packet data to be pushed to the wireless mobile communication station, as recited in combination with other claims element...it appears that Andersson teaches the opposite in that desired packet data is transmitted from an originator as the first step on the method, before any communication is established is established with the device...Andersson fails to teach or suggest wherein the originator transmits the packet data for receipt by a wireless mobile communication station after a packet data session has been established between the wireless mobile communication station and the originator..." in pages 13-15.

In response to applicant's argument, the examiner respectfully disagrees that with argument above.

Andersson discloses establishing at the wireless mobile station, only after it is determined that the packet data reception from said originator is desired, a packet data session with said originator (**see FIG. 4, step 176; see col. 6, line 10-14; see col. 8, line 10 to col. 9, line 5, 40-44;**

after permitting/accepting packet transmission from origination source, a end-to-end permitted packet session/connection is established), the packet data session being established by the wireless session with said originator (**see FIG. 4, step 174-178; see col. 6, line 10-14; see col. 8, line 50 to col. 9, line 5, 40-44; an end-to-end permitted packet session/connection is established between a mobile terminal and an origination source**), enabling said originator to thereafter trigger transmission of the desired packet data by the originator for receipt by the wireless mobile station (**see FIG. 4, step 174-176, see col. 8, line 50 to col. 9, line 5, 40-44; packet data is triggered/activated to transmit by the origination source to the mobile station on the permitted-established session/connection**).

Applicant mistakenly arguing by citing the portions of Andersson which discloses the originator transmitting initial packets to the mobile terminal on non-accepted/permitted session/connection. Whether or not Andersson's originator transmitting packets on the non-permitted and non-established session/connection is irrelevant since it is not what the applicant is claming. Applicant is claiming the origination source transmitting the packets, upon accepting/permitting by the mobile terminal, established accepted/permitted end-to-end session/connection, and Andersson clearly discloses applicant claimed invention as set forth above. Thus, Andersson does not teach the opposite of the applicant claimed invention.

Applicant is mistakenly arguing the registration or set up procedures routed between Internet host 12 and various MSCs (i.e. VPMSC and GPMSC) as "end-to-end packet data session". In reality, establishing an end-to-end packet data session occurs only after the user of mobile terminal 14 is desired or accepted to receive packet data from the Internet host as described in below by Andersson.

When the SMS message indicating the originator of the packet data is received at the receiver circuitry 142, such identification is displayed upon the display element 144. A user of the mobile terminal determines, responsive to the displayed information, whether to permit transmission of the packet data to the mobile terminal 14. Selection of permission to receive the packet data is entered by way of the selector 146. **When permission is granted to transmit the packet data to the mobile terminal 14, the mobile terminal 14 registers to receive packet data. Thereafter, the packet data is routed to the mobile terminal.** (see Andersson col. 8, line 33-44)

Then, and as indicated by the block 166, the identity of the sending station from which the packet data originates is determined. **An SMS message is formed which indicates the identity of the sending station.** The SMS message is sent, as indicated by the block 168, to the mobile receiving station.

The SMS message is detected at the mobile receiving station, as indicated by the block 172. **Selection is then made, as indicated by the block 174, whether to accept transmission of the packet data originated by the sending station. And, the packet data is sent to the mobile receiving station, indicated by the block 176, if the transmission is accepted at the mobile receiving station.**

Thereby, packet data is transmitted to the mobile terminal only with the permission of the mobile terminal. **Transmission of undesired, or otherwise unsolicited, packet data is selectably prevented at the mobile terminal by denying permission to transmit the packet data thereto.** The user of the mobile terminal is able to control, thereby, which packets of data are transmitted to the mobile terminal. (see Andersson col. 8, line 55 to col. 9, line 5). (Emphasis added)

In view of the above, it is clear that an end-to-end packet data transmission over permitted/accepted end-to-end session/connection between the mobile terminal and the sending station or originator host is established only after the mobile station is accepted the transmission.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Ian N. Moore INM
Art Unit 2616

4-9-07

DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600